

**REMARKS**

Applicant has overcome the Examiner's objection to claim 8 by removing the term "at step (b)" from the claim as recommended by the Examiner.

Claims 1, 6-8, 12 and 13 stand rejected under 35 USC 102(e) on Toyoda (U.S. Patent No. 6,355,966), and claims 2-5 and 9-11 stand rejected under 35 USC 103(a) on Toyoda in view of Iwazaki (U.S. Patent No. 6,687,742). Applicant respectfully traverses these rejections.


Applicant respectfully submits that the Examiner's citation to U.S. Patent No. 6,355,966 (hereinafter, "the '966 patent") appears to be in error. Toyoda is not an inventor of the '966 patent, which lists "Trivedi, Jigish D." as the first named inventor. Furthermore, the '966 patent is titled: "Methods of forming an integrated circuitry isolation trench, method of forming integrated circuitry, and integrated circuitry," and is related to that technology; applicant's claims are not even in the same field of endeavor as the '966 patent. Applicant further notes that the Examiner's citations to various portions of Toyoda do not coincide with corresponding sections of the '966 patent.

Because the Examiner has not properly identified the art on which he has based his rejections of the claims, applicant has not been afforded a fair opportunity to address the rejections. Accordingly, applicant respectfully requests that the Examiner either allow the pending claims, or withdraw the current Action and issue a new Action correctly identifying the art upon which any rejections are based.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief, including extensions of time, and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **325772028200**.

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Respectfully submitted,

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